IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

FRIDAY, THE 7TH SEPTEMBER 2007 / 16TH BHADRA 1929

WP(C).No. 16985 of 2007(V)

PETITIONER:

SUNDARESAN, L.D.CLERK, FOOD INSPECTOR
OFFICE, MAVELIKKARA CIRCLE, HEALTH DEPARTMENT.

BY ADV. SRI.RASHEED C.NOORANAD

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
MINISTRY OF HEALTH, THIRUVANANTHAPURAM.

2. DIRECTOR OF HEALTH SERVICE,
HEALTH DEPARTMENT, THIRUVANANTHAPURAM.

3. DISTRICT MEDICAL OFFICER, ALAPPUZHA.

4. FOOD INSPECTOR, MAVELIKKARA CIRCLE,
MAVELIKKARA.

5. E.S.JOSE, U.D.CLERK, P.H.C., KURATHIKAD.

BY GOVERNMENT PLEADER SRI.NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 07/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1	A TRUE COPY OF THE CERTIFICATE ISSUED BY THE MEDICAL BOARD OF THE MEDICAL COLLEGE, ALAPPUZHA.
EXT.P2	A TRUE COPY OF THE TRANSFER ORDER DTD.23.5.2007.
EXT.P3	A TRUE COPY OF THE REPN.DTD.26.5.2007.

TRUE COPY

P.A.TO JUDGE

V.GIRI,J.

W.P.(C) NO.16985 of 2007

Dated this the 7th day of September, 2007

JUDGMENT

The petitioner challenges Ext.P2 order of transfer by which he was transferred from Mavelikkara to Puliyoor. The petitioner contends that he is a physically disabled person who is having 40% disability.

2. A counter affidavit has been filed by the District Medical Officer (Health). Paragraph-3 of the counter affidavit is relevant:

> **"The transfer of the petitioner was made to implement the instructions in para 9 of G.O.(Rt)No.504/05/H&fwd dated 22.2.2005 as he had completed more than 3 years service at Food Inspector Office, Mavelikkara. His substitute E.S.Jose, PH Centre, Kunthikad has completed 5 years at that institution, but had not requested Food Inspector Office, Mavelikkara. His request was to permit him to continue at P.H.Centre Kurathikad. The petitioner had not brought the matter of his incapacity to the notice of this respondent in time. That was why the transfer was effected to another station away from his residence."**

3. In the light of the stand taken by the District Medical Officer, it is not necessary to consider the contentions of the petitioner on merits, at this stage. The District Medical Officer of Health will reconsider the case of the petitioner after hearing him as also the 5th respondent in consonance with the stand taken in the counter affidavit. Orders on such re-consideration will be passed within a period of one month from the date of receipt of a copy of this judgment. Till such orders are passed by the District Medical Officer, as

directed above, the interim order granted by this Court on 4.6.2007 will continue.

This writ petition is disposed of with the above observations.

V.GIRI, JUDGE

CSS